

# **RESIDENTIAL CHILD CARE LICENSING ADVISORY COMMITTEE MEETING MINUTES**

9 March 2017  
Highland Plaza Building, Auditorium  
3760 South Highland Drive  
Salt Lake City, UT

**Members Present:** Laura L. Brown, Kathryn Martinez, Kathleen Phinney, Dale Smith, and Ilse Wilson.

**Members Excused:** Jessica Goodman, and Quang-Tuyen Nguyen.

**Members Absent:** None.

**Department of Health and Child Care Licensing Staff Present:** Sarah Atherton, Simon Bolivar, Avis Burrows, Joan Isom, Sue Kirkham, Linda Lee, Paul Patrick, Jennifer Swift, Kim Rice, Austin Roy, and Rosemary Vander Meyden.

## **WELCOME**

Dale S. welcomed those members of the committee and the public who were in attendance. Meeting commenced at 9:00 am. New committee members, Kathryn Martinez and Kathleen Phinney, were introduced. New Director of the Division of Family Health and Preparedness, Paul Patrick, was introduced and he made remarks about his enthusiasm to support the home and center committees.

Dale asked that Simon Bolivar, Child Care Licensing Administrator, give a brief explanation of the difference between statute and rule. Simon explained the difference and importance of statute and rule and how they pertain specifically to child care and to the Child Care Licensing Committees.

Dale and Simon also explained the differences between the Residential Child Care Licensing Advisory Committee and the Child Care Center Licensing Committee, one being an advisory board and the other being a rule making body.

## **APPROVAL OF MINUTES**

Minutes from the January meeting were approved via email.

## **ASSIGNMENT FOLLOW-UP**

**Austin Roy:**

- Send a copy of the Open and Public Meetings Act PowerPoint (from Brittany Huff's presentation) to the committee members.
  - Done

**Donna Thomas:**

- Put the committee Bylaws on the website, and add a new link to statute.
  - Done

**NEW BUSINESS**

**Recap of "Rethinking the Rules"**

Simon explained the "Rethinking the Rules" process, described the difference between rules and the interpretation manual, and explained that the main goal of the process is to make sure the rules for Child Care Licensing are simple, grammatically correct, accurate and that they prioritize the health and safety of Utah's children. Ilse W. asked why the term facility is used in rule, Simon explained the way the term is defined by licensing, and Ilse recommended that the term with its definition be added to the definition section of the rules. Braquel Jackson, Food Program, made a suggestion regarding the Admission and Health Assessment form recommending that normal days and hour be used instead of a sign-in and sign out. Ilse proposed that future "Rethinking the Rules" meetings be held on weekends or in the evening, and Dale suggested that the meetings be broadcast electronically for those unable to attend in person. A motion to carry forward with "Rethinking the Rules" was made by Ilse W., Laura B. seconded the motion, and the committee voted and approved the motion unanimously.

The proposed rules from this process will be presented to the committee during the May 11<sup>th</sup> meeting. A copy of the proposed rules will be sent to the committee members in advance so they can read them before the meeting.

**COMMITTEE MEMBER COMMENT AND RECOMMENDATION**

Kathleen P. presented a proposed change to statute to the committee. Kathleen proposed that the burden of proof, regarding exempt status, be shifted from the department or program to the provider. Kathleen will be taking this to the legislature at a later date. Dale S. requested that Simon research this issue (burden of proof), what is being done in other states, and to report back to the committee in the next meeting.

**PUBLIC COMMENT**

Jay Pevey, home provider, commented that there are many providers doing unlicensed care.

Swendy Wasdin, center owner, made a comment about a mother who lost state subsidy because she got a raise and was no longer qualified for assistance.

## **NEW ASSIGNMENTS**

**Simon Bolivar:** Investigate burden of proof for exempt status in other states and report back to the committee (Why is it that we have no teeth, and how have other states addressed this issue?).

## **AGENCY AND COMMITTEE REPORTS**

### **Care About Childcare**

- A comprehensive survey will be going out in early April to all child care programs with questions about subsidy, questions about resources available to children, and other questions to comply with CCDF regulation. Need as much participation as possible.
- For the first time ever, CCDF regulations will now require that payments be based on quality. CAC will be seeking input on possible quality indicators with a meeting being held on March 29, 2017, from 1:00 pm - 2:30 pm, at the DWS Building at 1385 S. State Street, Salt Lake City, UT. All are welcome to attend.
- On March 30, 2017, from 10:00 am – 12:00 pm, at the Children’s Service Society (655 E. 4500 S., Salt Lake City, UT), the Infant Toddler Sub-Committee will be meeting for the first time. This meeting will be very basic since it is the first of many. More meetings to follow, preferably in the evenings to encourage participation of providers who care for infants and toddlers and mixed age groups.
- Expulsion and Suspension Policy, work group will be meeting to help formulate this policy. Dates and times to be announced.

### **Food Program**

- Representing the Utah State Board of Education, where the Child and Adult Care Food Program is housed.
- For clarification purposes there is just one Food Program, not programs.
- The Food Program will be updating BCI policy for providers that are not licensed, and for providers who cannot obtain a license due to their status of legal citizenship. Updates are being made in order to comply with statute.
- Moving forward, all screenings for the Food Program will now be done through Child Care Licensing.
- New meal pattern rolling out October 1, 2017.
- Also working on improving meal quality of facilities that are not on the Food Program, will be based on standards set by the USDA.

### **After School Network**

- The After School Network just wrapped up the first round of professional development conferences for the year.

- Stem Saturdays – Stem specific workshops that are being held throughout the state. Next one to be held in the Salt Lake area will be on May 6, 2017 at Discovery Gateway. Experts in the field will be there to help focus the curriculum of the program.
- Jump Start Conference, the annual After School Network conference, will be held on October 13 – October 14, 2017 in Ogden. Everyone invited to participate, please let Brent know if you are interested.
- Regional meeting will be held on the third Thursday of every month to bring youth serving providers and youth serving organizations together to discuss similar needs that everyone may be having and how they can be addressed on a community wide basis. Meetings to be held in Salt Lake County and a combined meeting for Weber and Davis Counties.

### **Head Start**

- Currently, Head Start programs do not have to be licensed, but they will soon be required to comply with licensing standards (per new Federal law and performance standards); because of this Head Start has been working with Child Care Licensing on the possibility of Head Start programs becoming licensed. The thinking is that they might as well be licensed since they have to comply with licensing standards anyway.
- Training would be offered to help people if they decide to become licensed.

### **Child Care Licensing**

- Volunteer vs. Guest – Public Comments
  - Simon gave a brief recap of the comments that have been received during the public comment period, and explained some of the reasons for the rule change (simplification, and to avoid more restrictive legislation).
  - Ilse W. asked about putting the term “name tag” into the rule. Simon explained the reason for this, and that the language of the rule can be refined through the “Rethinking the Rules” process.
  - Naysla A. commented that she would like everyone who comes into contact with children to be required to have a valid background screening, and that she was wondering if CCL could fund these screenings. Simon replied that CCL does not provide funding to providers.
  - Jeri Maybe, Davis School District High School Director, commented that high school students in a high school program are always supervised by someone who has a valid background screening.
  - Jay Pevey made a comment about the need to add the word unsupervised to the rules, and Simon responded that it was already in rule.
  - Kathleen P. asked if it was possible to do background screenings for undocumented workers without them being flagged. Simon said that CCL is working with the Food Program to get background screenings for these individuals, and Braquel Jackson added that the Food Program does background screenings for many undocumented individuals and their information is not shared with immigration.
  - A member from the audience asked about an onsite activity, like the tumbling bus, and whether or not the tumbling bus staff had to do a background screening check through the daycare facility, Joan Isom, the Background Clearance Unit

- Supervisor, answered that a provider may background screen other individuals (not their staff) at their own discretion.
- Pat Marino, daycare owner, commented that providers need to be careful when designating employees as volunteers because they may end up finding out that they have to pay them.
  - Ilse W. made a motion to approve the volunteer versus guest rule, Kat M. seconded, and the advisory committee approved the rule change. Jody Z. made a motion to approve the volunteer versus guest rule, Naysla A. seconded, and the center committee approved the rule change.
  - R430-1 - Five year review
    - Simon made the recommendation that the committees approve the five-year review of R430-1 for now, so that the “Rethinking the Rules” process can continue. R430-1 will be revised during the “Rethinking the Rules” process. Kat M. made a motion to approve, Laura B. seconded, and the advisory committee approved. Jody Z. made a motion to approve, Dale S. seconded and the center committee approved.

## **ADJOURNMENT**

Dale S. adjourned the meeting at 11:00 am

## **UPCOMING SCHEDULE 2017**

**May 11, 2017**

**July 13, 2017**

**September 14, 2017**

**November 9, 2017**

Highland Plaza Building  
3760 S. Highland Dr.  
Salt Lake City, UT  
3<sup>rd</sup> Floor Auditorium  
9:00 a.m. to 11:00 a.m.

Anyone with a disability requiring accommodations to attend or fully participate in this program should contact Austin Roy at (801) 273-2904 or via email at [aroy@utah.gov](mailto:aroy@utah.gov) to request reasonable accommodations.